

REMARKS

The present invention relates to a herbicidal synergistic composition for the selective control of broad-leaved weeds and grasses in crops made resistant to protoporphyrinogen oxidase inhibitors comprising as active compounds a mixture of

a) a herbicide which inhibits the action of protoporphyrinogen oxidases in plants (= protoporphyrinogen oxidase inhibitors = PPO inhibitors) and

b) at least one further pesticide selected from the group consisting of co-herbicides, fungicides and insecticides/acaricides,

which protects the useful genetically transformed crop plants but not the weeds from the phytotoxic action of the herbicidal composition.

The claims have been amended herein and are now in the form of method claims to clearly reflect that the herbicidal synergistic compositions of the present invention are used for the selective control of broad-leaved weeds and grasses in crops made resistant to protoporphyrinogen oxidase inhibitors. Support for new claims 22-38 is found in original claims 1-20. No new matter has been added.

As mentioned on page 1, fourth paragraph of the specification, the PPO inhibitors under a) and the co-herbicides under b) useful in the present composition are known. An essential feature of instant invention therefore is to provide a composition of defined PPO inhibitors a) and at least one known pesticide e.g. a co-herbicide b) which composition when applied to PPO inhibitor resistant crops leads to synergistically improved and economically relevant toxic effects to said pest organisms, e.g., phytotoxic effects against unwanted weeds, without being harmful to the useful crop plants simultaneously, i.e., without leading to comparable synergistically enhanced phytotoxic effects on the PPO inhibitor resistant crop plants.

Claims 1, 2, 8, 9, 11-15, 19 and 20 have been rejected under 35 U.S.C. 102 (a), (b) and (e) as allegedly being anticipated by Hudetz et al. (US Patent No. 6,159,899). Applicants respectfully traverse.

The claims of the present application have been amended to clearly require the presence of a PPO-inhibitor resistant crop and are directed to a method for controlling weeds and grasses in said PPO-inhibitor resistant crops. Hudetz fails to teach this limitation. In view of the above amendments and the previously presented data of unexpected results, Applicants submit that the present rejection has been overcome.

Claims 1, 2, 8-17, 19 and 20 have been rejected under 103(a) as all allegedly being unpatentable over Hudetz et al. and Devine et al. Applicants respectfully traverse.

As described above, the claims of the present application have been amended to clearly require the presence of a PPO-inhibitor resistant crop. Hudetz fails to teach this limitation and Devine fails to overcome the deficiencies of Hudetz. In view of the above amendments and the previously presented data of unexpected results, Applicants submit that the present rejection has been overcome.


In view of the above amendments and arguments, Applicants respectfully submit that the rejections under 35 U.S.C. § 102(b) and 103(a) have been overcome and hereby request that this application be passed to issue.

As this response is submitted within 1 month from the mailing date of the Office Action, a one-month extension of time is included herewith.

However, in the event the undersigned is mistaken in his calculations, an appropriate extension of time to respond is respectfully requested, and the Commissioner is authorized to debit the appropriate fee for that extension, or any other fee, from the deposit account of the undersigned, no 50-1676 in the name of Syngenta Crop Protection, Inc.

Respectfully submitted,

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